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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,410	03/08/2006	Bernard Boulay	123899	5999
25944	7590	06/28/2007		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER RAPP, CHAD	
			ART UNIT 2125	PAPER NUMBER
			MAIL DATE 06/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/535,410	Applicant(s) BOULAY, BERNARD	
	Examiner Chad Rapp	Art Unit 2125	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Claim 1-7 are presented for examination.

### *Specification*

2. The disclosure is objected to because of the following informalities: Even though fibre is the same thing as fiber examiner would like applicant to change all occurrences of fibre to fiber in the specification. Appropriate correction is required.
3. The abstract of the disclosure is objected to because the should not have the title and also the abstract should not have "(single figure)". Correction is required. See MPEP § 608.01(b).
4. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Objections***

5. Claims 1-7 are objected to because of the following informalities: Even though fibre is the same thing as fiber examiner would like applicant to change all occurrences of fibre to fiber in the claims 1-7. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 1 "the production" should be changed "production". There is insufficient antecedent basis for this limitation in the claim.

In claim 1, line 6 "the commands" should be changed to "commands". There is insufficient antecedent basis for this limitation in the claim.

In claim 6, line 2 "the users" should be changed to "users". There is insufficient antecedent basis for this limitation in the claim.

Once above the problem are fixed in claim 1, claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Durst et al.

Durst et al. teaches the claimed invention (claim 1) including system for the production, control and use of identification, authentication or traceability coded markings, using threads or fibers with special properties, in particular magnetic, to be placed or inserted on or in a support, according to predefined lines, positions or areas.

a. A first database creating, storing and transmitting codes, with encryption, triggered by the receipt of the commands and controlling, in particular with regard to the quantity or length produced, at least one machine for producing said threads or fibers is taught as provide a label or certificate which contains one or more microdots that are embedded in the label or certificate for providing a nonvisual, but machine detectable mark or marks. Including the encryption or encoding of signatures into a plurality of microdots for assigning document ownership. Production and labeling of objects in a manner suitable for prevention and detection. May be possible the use fibers of uniform lengths. Prior to spooling the codes and associated fiber patterns are recorded in a database(col. 10 lines 62-65, col. 11 lines 2-4, col. 27 line 52, col. 29 lines1-2 and col. 36 lines 66-67);

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b. A dedicated database, linked to the first database, which receives data concerning each production and which controls at least one machine for placing or inserting the threads or fibers on or in their support, controlling in particular the quantity of threads or fibers placed or inserted is taught as depositing fibers onto a support surface to form porous absorbent sheet. May be dispersed in a non-deterministically onto a substrate(col. 5 lines 61-62, col. 11 lines 2-4, col. 27 lines 59-60 and col. 37 lines 64-65).

As to claim 2, Durst et al. teaches characterized in that the codes are generated randomly by the first database is taught as random distribution(col. 12 lines 49-51).

As to claim 3, Durst et al. teaches characterized in that the two databases are interlinked by a secured link is taught as over secure channels(col. 40 line 7).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durst et al. in view of Nagel.

Durst et al. teaches the claimed invention (claim 1) see paragraph number 9 above.

As to claim 4, Nagel teaches characterized in that the codes are transmitted from the first database to the dedicated database continuously is taught as real time communications may be employed(col. 25 lines 34-35).

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It would have been obvious to one of ordinary skill at the time the invention was made or used to modify the teachings of Durst et al. with the teachings of Nagel because the address instances where the issue is not merely whether the information is authentic but rather whether the information is authentic unaltered, and the copy itself an original.

As to claim 5, Nagel teaches characterized in that the codes are transmitted from the first database to the dedicated database periodically is taught as no communications need to be conducted in real time(col. 25 lines 33-34).

It would have been obvious to one of ordinary skill at the time the invention was made or used to modify the teachings of Durst et al. with the teachings of Nagel because the address instances where the issue is not merely whether the information is authentic but rather whether the information is authentic unaltered, and the copy itself an original.

As to claim 6,

Durst et al. teaches :

a. characterized in that the dedicated database is linked to readers associated with the users and each reader receiving only the codes specific to the corresponding user is taught as each reader and marking system preferably has a unique identification number(which means different readers) and set of encryption keys for any communication with central system, and marking place on the label indicative of the markings conditions(so each unique reader is going to have possible different keys which each user going to have a reader and those codes on the reader will specify which markings the user can read(col. 40 lines 9-14).

Nagel teaches:

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b. Being designed also to return to said database an activity report is taught as when central server is queried to authenticate a forgery , an entry is made in a log, and further if multiple queries occur in a cluster the server operates to generate an exception report. The authentication device includes an internal accounting system and is tamper proof, to monitor usage of the device and prevent unauthorization analysis of embedded algorithms and security codes. A record of each authentication is preferably maintained for deferred transmission to the central server, and possible accounting(col. 33 lines 42-45, col. 42 lines 10-14 and col. 46 lines 58-60).

It would have been obvious to one of ordinary skill at the time the invention was made or used to modify the teachings of Durst et al. with the teachings of Nagel because the address instances where the issue is not merely whether the information is authentic but rather whether the information is authentic unaltered, and the copy itself an original.

### *Conclusion*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Rapp whose telephone number is (571)272-3752. The examiner can normally be reached on Mon-Fri 11:00-7:00.

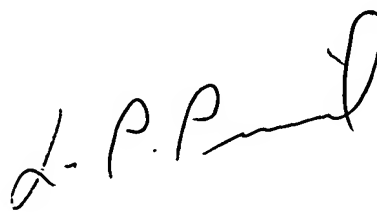
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571)272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cjr

A handwritten signature in black ink, appearing to read 'L. P. Rapp', with a large, stylized loop at the end.

Chad Rapp  
Examiner  
Art Unit 2125

**LEO PICARD**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**